REMARKS

Claims 1-27 are pending. Claims 1-27 are rejected as being anticipated by claims 1-41 of U.S. Patent No. 6,687,733 (the '733 Patent). Claims 1-27 are also rejected under 35 U.S.C. 102(a). Claim 7 has been canceled. Claim 25 has been amended to correct a typographical error. No new matter has been added to the claims.

Rejection based upon the '733 Patent

The Examiner has rejected claims 1-27 as being anticipated by claims 1-41 of the '733 Patent. The '733 patent issued on February 3, 2004 in the name of Jaques A. Manukyan, who is the named applicant of the present continuation-in-part application.

It is respectfully submitted that claims 1-41 of the '733 Patent do not anticipate claims 1-27 of the present application. As set forth in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.3d 1051, 1053 (Fed. Cir. 1987). Independent claims 1, 10, 21 and 25 of the present application recite elements that are not set forth in any of the claims of the '733 Patent, either expressly or inherently. In particular, claims 1 and 25 of the present application recite use of a relay server and claims 21 and 10 recite use of a relay network. The relay server and the relay network enable the interactive server to selectably communicate with the database server to obtain tasks so that predetermine configuration system files can be configured by the interactive server to make a service available to the client. The claims of the '733 Patent do not recite use of either a relay server or a relay network.

In addition, it is noted that figures 8 – 11 of the present application and corresponding text relating to the disclosure of the claimed relay server or relay network is missing from the '733 Patent, which is silent as to this aspect of the instant claims. Therefore, the '733 Patent does not suggest much less anticipate the instant claims including the relay server or relay network as claimed. There is no 102 or 102/103 basis for rejecting the present claims over the '733 Patent. This basis of the rejection is in error and should be withdrawn.

For these reasons, the '733 Patent does not anticipate any of the claims of the present application. Applicant requests withdrawal of the rejection of claims 1-27 of the present continuation-in-part application based upon claims 1-41 of the '733 Patent.

102(a) Rejection

Claims 1-27 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,295,291 to Larkins. The Examiner contends that Larkins discloses each and every element of these claims.

In particular, Larkins is directed to a system for setting up a radiotelephone service for a subscriber. The system taught by Larkins includes a web server (105) to which a subscriber logs on using a web browser to set-up his or her radiotelephone. Coupled to the web server is a billing server (130), a home location register (110), a validation system (140), an authentication center (125) and an over the air function (135). The Examiner has combined these elements to argue that they function as a database server in a manner recited in the independent claims of the present continuation-in-part application.

In addition, Larkins recites use of the over the air function (135) and an external mobile switching center (115) that is in communication with a base station (120). The Examiner contends that these particular elements are an external communications link of

the type that is recited in independent claim 1 of the present continuation-in-part application.

Applicant traverses the Examiner's rejection. Larkins does not teach a system for automatically configuring at least one interactive server, as recited in claim 1 of the present application. In addition, the billing system (130), the validation system (140), the location register (110), the authentication center (125) and the over the air function (135) recited in Larkins are not database servers that include executable and transferable tasks that are used to configure predetermined configuration files of the at least one server. Likewise, Larkins does not disclose or teach, expressly or inherently, that the programs running on the billing server (130) and the authentication center (125), which are used to store encrypted data to authenticate the radiotelephone, include executable tasks that are transferred to the web server (105) to configure a server deamon. In addition, the credit validation system (140) is a third party credit bureau that compiles consumer credit records for purchase by other companies. Larkins, col. 3, lines 5 to 7. The credit validation system does not include tasks that are transferrable to a server for execution. Similarly, the over the air function (135) is used to collect data related to the subscriber, such as the subscriber's profile. It does not have executable tasks that are transferrable to a server, such as web server (105).

In addition, a user logging onto the world wide web (105) in the system described in Larkins is different than the system of the independent claims of the present continuation-in-part application. The system recited in independent claims 1, 20, 21 and 25 recite the use relay servers and relay networks that are used to permit the at least one interactive server to selectably communicate with the database server to obtain the executable and transferable tasks. The at least one interactive server communicates with the database

server, through the relay server, to automatically configure a server deamon to deliver a service to a client. The system in Larkins, although describing that a service can be provided to a client to register and use a radiotelephone, does not disclose or claim, explicitly or inherently, an automated system for configuring a server deamon of the type recited in the independent claims. Therefore, Larkins does not recite use of any of the elements, particularly a relay server or relay network, as found in independent claims 1, 10, 21 and 25 of the instant application.

Accordingly, Applicant respectfully submits that Larkins does not anticipate each and every element as recited in independent claims 1, 10, 21 and 25 and therefore does not anticipate the rejected independent claims.

Similarly, because independent claims 1, 10, 21 and 25 are not anticipated by Larkins, then the dependent claims which depend from them are also not anticipated by Larkins because they include additional elements not recited in Larkins. In addition, as to dependent claim 2, Larkins at lines 58-60 of column 2, does not disclose the use of a controller to enable the client to communicate with the at least one interactive server as the Examiner contends. Larkins at lines 58-60 of column 2 describes that the user can change his profile, but does not disclose the use of a controller to do so. As to dependent claims 3-5, Figure 1 of Larkins referred to by the Examiner does not disclose use of a relay server so that the components of the system can communicate with one another as the Examiner contends.

As to dependent claim 6, column 5 line 2 of Larkins does not disclose a communications daemon of a relay server that is programmed to selectably relay, receive and transmit communications between the interactive server and the database server (as recited in dependent claim 5 from which claim 6 depends).

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As to dependent claims 7-8, of which claim 7 is being canceled, Larkins does not recite in column 3, line 54 the use of a filtering system to filter communications going to or coming from the at least one interactive server as the Examiner contends.

As to dependent claim 9, that particular claim recites that the communications deamon is enctryped. By comparison, Larkins at line 37 of column 3, which is cited by the Examiner, recites that the authentication center (125) generates a key for use by the radiotelephone. When the radiotelephone tries to register with the system described in Larkins, the registration data is compared with the encrypted data stored in the authentication center (125) to determine if the radiotelephone's directory number and electronic serial number have been copied. Therefore, the key in Larkins is used to compare data stored in the authentication center, which is different than providing a communications daemon that is encrypted, as recited in dependent claim 9 of the present continuation-in-part application.
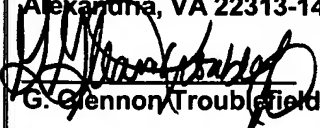
As to claims 10-27, the Examiner contends that they do not define above the invention recited in claims 1-9 and are rejected for the same reasons that claims 1-9 are rejected. The Applicant contends that based upon the reasons expressed above with respect to claims 1-9, the rejection of claims 10-27 should be withdrawn.

The Examiner has included copies of references in the Notice of References Cited that accompanied the Office Action. The Examiner has not made an explicit rejection of any of the active claims based upon any of those references. Applicant contends that those references are no pertinent and do not form any basis in which to reject any of the claims pending in the present continuation-in-part application.

A Request for a one-month extension to time is enclosed with this Response. A check in the amount of $ 60.00 (small entity) for the extension of time is submitted herewith.
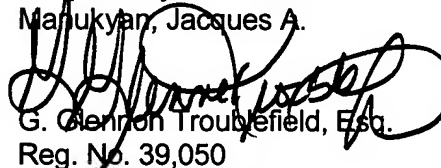
Authorization is hereby provided to charge any necessary additional fees or credit any overpayment to Deposit Account No. 03-0678. A duplicate copy of this paper is enclosed. Applicant is a small entity.

Applicant wishes to bring to the Examiner's attention that his name that appears in the Declaration and Power of Attorney is misspelled because a "c" is missing from the name "Jacques." The Applicant's full name is Jacques A. Manukyan. Applicant will be filing a supplemental Declaration and Power of Attorney to correct this typographical error.

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EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 439771655 US
Deposit Date: November 7, 2005

    I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

G. Glennon Troublefield   **Nov. 7, 2005**
                                     Date

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